

PLM II
J. Mosher

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

9002

FILE: B-193767

DATE: January 30, 1979

MATTER OF: Captain Lawrence A. Morin, USAF

[Military Members]

DIGEST: ~~Members of the uniformed services~~ (whose dependents and household effects are moved prior to issuance of permanent change-of-station orders may not be reimbursed for the transportation expenses] under 37 U.S.C. 406 (1976). Where an officer of the Air Force was not selected for promotion to the next highest grade and in anticipation that he would be nonselected a second time thus being involuntarily released from active duty moved his household effects and dependents to his home of selection before orders for his release from active duty were issued, no reimbursement may be made for the transportation expenses incurred by the officer.

This action is in response to a letter dated November 7, 1978 (file reference ACF (5168)), with enclosures, from the Accounting and Finance Officer at Scott Air Force Base, Illinois, requesting an advance decision as to the entitlement of Captain Lawrence A. Morin, USAF, 102-32-0822, to travel and transportation allowances in the circumstances presented. The request was assigned PDTATAC Control No. 78-49 and forwarded to this Office by the Per Diem, Travel and Transportation Allowance Committee on December 19, 1978.

The member, a captain in the Air Force, had failed to be selected for promotion to the grade of major. He knew that his chances of being selected for promotion upon a second consideration were slim and that if he was not selected he would be involuntarily separated from the Air Force. At this point, in early June 1978, he moved his dependents and household goods from Breese, Illinois, to Krowder, Oklahoma, his home of selection. Since the member had not failed of selection for the second and final time at the time, no orders for his release had been issued. Special Order AD-1306, separating the member from the Air Force effective November 20, 1978, was not issued until September 14, 1978. It is the member's contention that he should be entitled to reimbursement for the transportation of his dependents and household effects since he would have received

403381

dec

B-193767

reimbursement if the move had been made subsequent to the receipt of separation orders.

In view of these circumstances, our decision on the following question is requested:

Whether an officer of the Air Force in the grade of captain anticipating a separation from the Air Force because of prior pass-overs to the grade of major, is entitled to reimbursement for dependent travel and household goods moved prior to issuance of competent orders relieving him from active duty?

Under the provisions of 37 U.S.C. 406(a) (1976), a member of a uniformed service who is ordered to make a change of permanent station is entitled to transportation in kind for his dependents, to reimbursement therefor, or to a monetary allowance in lieu thereof. The entitlements authorized by the above subsection are subject under 37 U.S.C. 406(c) (1976) to regulations prescribed by the Secretary concerned.


Generally, dependent travel and transportation of household goods incident to a permanent change of station is not authorized prior to the issuance of permanent change-of-station orders. However, under the provisions of subparagraph M7003-4 of the Joint Travel Regulations, a member is entitled to a monetary allowance in lieu of transportation of dependents provided the voucher presented for payment is supported by a statement from the commanding officer (or his designated representative) of the headquarters issuing the orders that the member was advised prior to the issuance of the orders and prior to performance of travel that such orders would be issued. Similar rules with more specific requirements with respect to transportation of household goods are contained in paragraph M8017 of that regulation.

In this connection, we have repeatedly and consistently held that these provisions contemplate moves which occur during the relatively short period between the time when a determination is made to order a member to make a change of permanent station and the date on which the orders are actually issued. General information as to the time of eventual release from active duty has consistently been held to be insufficient to meet the requirements of the regulations. See 34 Comp. Gen. 241 (1954) and 52 Comp. Gen. 769 (1973).

B-193767

In the present case, at the time the dependents traveled and the household goods were shipped, there was no certainty that the member would be involuntarily released from the Air Force. Thus there could have been no intent on the part of the order-issuing authority to issue the necessary orders. None of the requirements for movement of household effects prior to issuance of orders as set forth in paragraph M8017, 1 JTR were met. Further, the circumstances in the present case are not unlike those involved in 52 Comp. Gen. 769, supra, which is controlling in the circumstances.

In view of the foregoing, no authority exists for payment of member's claim. The vouchers submitted may not be paid and are retained in this Office.


Deputy Comptroller General
of the United States